

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF CODES AND STANDARDS**

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**February 28, 2003**

**INFORMATION BULLETIN 2003-04 (SHL)**

**To: City and County Building Officials  
Interested Parties (SHL)  
Division Staff**

**SUBJECT: 2002 Legislative Changes**

This Information Bulletin summarizes the year 2002 legislative changes to the California Health and Safety Code and other California Codes that impact housing construction, maintenance, and use in California. The amendments and additions to these codes became effective on January 1, 2003 unless otherwise stated.

- ✍ **Chapter 723 of the 2002 Statutes (AB 1008, Lowenthal)** amended Sections 17998.1 and 17998.2 of the Health and Safety Code (HSC) modifying two existing code enforcement programs (Community Code Enforcement Pilot Program and the Code Enforcement Incentive Program) administered by the Department of Housing and Community Development (Department) by removing the sunset clauses, modifying application and award requirements, and modifying the program reporting requirements on these existing programs.
- ✍ **Chapter 421 of the 2002 Statutes (AB 1561/Kelley)** amends Section 25402 of the Public Resources Code and requires the State Energy Resources Conservation and Development Commission (CEC), not later than January 1, 2004, to amend existing regulations related to residential clothes washers, to require that any clothes washers manufactured after January 7, 2007, be at least as energy efficient as commercial washers. Also, not later than April 1, 2004, the CEC must petition the Federal Department of Energy for an exemption from any federal regulations governing energy efficiency standards that are applicable to residential clothes washers.
- ✍ **Chapter 726 of the 2002 statutes (AB 2787/Aroner)** adds section 17959 to the Health and Safety Code (HSC) relating to building standards for universal design.
- ✍ The Legislature found that as California's population is aging and many residents have temporary or permanent mobility disabilities, homes should be constructed or modified to allow for full life-cycle use. It also found that many government and private entities have considered using the principles of universal design to facilitate more inclusive use of homes but there is a lack of consistent standards

statewide and universal design building standards cannot be adopted under existing statutory “local condition” exceptions. Development of state guidelines and model ordinances will provide a variety of social and financial cost benefits to individuals and governmental agencies.

- ✍ HSC Section 17959 requires the Department of Housing and Community Development (Department), by December 31, 2003, to develop guidelines and at least one model ordinance for new construction and home modifications consistent with the principles of universal design without significantly impacting the cost of housing.
- ✍ Effective January 1, 2005, after the Legislature has one year to review the Department’s ordinance(s), local governments, after making specified findings, may adopt universal design building standards ordinances substantially the same as the Department’s model ordinance pursuant to the authority granted by HSC Sections 17958.5 and 18941.5. Following adoption of local ordinances, the city or county must file a copy of the ordinance and subsequent findings with the Department. A local ordinance may not become effective or operative until the findings and the ordinance have been filed with the Department.
- ✍ “Universal design” is comprised of features such as zero-step entries, levered doors and faucets, bracing in bathroom walls for grab bar installation, lower light switches and appliance controls, etc., which make a home more usable for frail persons or those with disabilities.
- ✍ **Chapter 31 of the 2002 statutes (SB 332/Sher)** amends sections 18944.30, 18944.31, 18944.33, 18944.35, and 18944.40, and adds section 18944.41, to the Health and Safety Code (HSC) regarding straw-bale construction. As an urgency bill, it took effect upon filing with the Secretary of State on April 26, 2002.
- ✍ HSC Section 18944.30 was amended to add legislative findings that the 1995 guidelines contained specific requirements that were unnecessary and detrimental, which were considered costly and severely restricted the development of straw-bale housing.
- ✍ HSC Section 18944.31(a) was amended to state that the amendments were retroactive and applied to the construction of all structures using baled straw as a loadbearing or nonloadbearing material within any city or county that adopted prior statutory guidelines prior to January 1, 2002. Subsection (d) was amended to specify legislative intent that the statutory guidelines of this chapter serve as an interim measure pending the adoption of straw-bale materials and construction standards into the California Building Standards Code.
- ✍ HSC Section 18944.33 added definitions of “loadbearing”, “nonloadbearing”, and “plaster” pertaining to straw-bale construction.
- ✍ HSC Section 18944.35 was amended to remove authority for a building official to determine if a variety of straw meets the minimum requirements of this chapter for density, shape, moisture content, and ties.

- ✍ HSC Section 18944.40 was amended in subsection (e) regarding vertical loads and lateral forces; subsection (f) regarding foundation design; subsection (g) regarding methods of anchoring bales for lateral force resistance; and subsection (p) was added to provide requirements for protection from weather during construction.
- ✍ HSC Section 18944.41 was added to make the chapter inoperative once building standards for straw-bale construction are adopted by the Building Standards Commission and become effective statewide.
- ✍ **Chapter 931 of the 2002 Statutes (SB 460/Ortiz)** amends Civil Code (CC) Section 1941.1 and amends sections 17961, 17980 and 124130 of, and adds sections 17920.10, 105251, 105252, 105253, 105254, 105255, 105256, and 105257 to, the Health and Safety Code (HSC), relating to lead abatement.
- ✍ This bill declares any building in violation of State Housing Law (SHL) if it contains specified lead hazards that are likely to endanger the health of the public or occupants. Also, it authorizes local building departments and other specified enforcement agencies (including the California Department of Health Services) to use SHL remedies and penalties to require abatement of lead hazards in public and residential buildings.
- ✍ CC Section 1941 was amended to specify that a dwelling is untenable for purposes of Section 1941, if among other conditions, it contains a lead hazard condition described in HSC Section 17920.10.
- ✍ HSC Section 17920.10 was added and includes lead hazards such as lead-based paint which is deteriorated or being disturbed without containment—or lead-contaminated dust or soil—as a hazardous condition to be considered among substandard conditions rendering a building or portion thereof including a dwelling unit, guestroom, or suite of rooms, in violation of State Housing Law. Subsections (a) through (e), of HSC Section 17920.10, define the levels at which specified lead presence becomes a hazard.
- ✍ HSC Section 17961 was amended to require building and health departments to coordinate lead hazard abatement efforts in residential structures to avoid unnecessary duplication.
- ✍ HSC Sections 105252 thru 105257 are adopted for the Department of Health Services (DHS) regarding DHS authority and regulations in Chapter 8 of Division 1 of Title 17 of the California Code of Regulations, relating to lead abatement. However, HSC section 105251 was amended to include housing and building officials as having authority to enforce health department lead rules and regulations. This includes HSC sections 105255 and 105256, related to unsafe work practices involving lead and unsafe conditions involving lead.

**For more information related to SB 460, lead hazard abatement in residential structures, and state and local health department contacts, see attached Information Bulletin 2003-05, “Lead Hazard Enforcement by Building Officials,” which also is available on the Department website at [www.hcd.ca.gov/codes](http://www.hcd.ca.gov/codes).**

- ✍ **Chapter 722 of the 2002 Statutes (SB 800/Burton)** adds Section 43.99 to Part 2 of Division 2, and Title 7 (commencing with Section 895) to Part 2 of Division 2 of, the Civil Code (CC) relating to construction defects.
- ✍ The added sections include rights and responsibilities for homeowners and homebuilders to resolve construction disputes without litigation by setting forth standards, limitations and procedures for the resolution of construction defects.
- ✍ Section CC section 43.99 includes protection for qualified persons under contract with a residential building permit applicant ("private inspectors") for independent review of plans and specifications to ensure compliance with all applicable requirements.
- ✍ The bill sets forth certain performance standards for construction component and system function by providing homeowners and homebuilders with criteria for acceptable system function and time limitations of builder responsibility. The performance standards (e.g., "not allow excessive condensation") replace the obligation to build to code as a basis of liability.
- ✍ This bill also defines obligations for homeowners and builders in a "prelitigation procedure" to allow parties to work in concert for the resolution and repair of construction defects. In many or most cases, the potentially liable party will be a subcontractor or materials provider, rather than the builder or general contractor.
- ✍ **Chapter 26 of the 2001 Statutes (SB1227/Burton)** authorized a bond measure on the November 5, 2002 statewide ballot that, upon approval by the voters, enacted the Housing and Emergency Shelter Trust Fund Act of 2002. The measure authorizes the financing of various existing housing and code enforcement programs and the issuance of bonds in the amount of \$2,100,000,000 pursuant to the State General Obligation Bond Law.

HSC Section 53533(a) of the Housing and Emergency Shelter Trust Fund Act of 2002 allocates housing bond revenues to a variety of HCD programs. Subparagraph (a)(6) authorizes five million dollars (\$5,000,000) to be expended for "capital expenditures" in support of local code enforcement and compliance programs. (**Note:** HCD will issue a Notice of Availability of Funds or "NOFA" for program applications in February 2003)
- ✍ **Chapter 1051 of the 2002 Statutes (SB 1992)** amended Section 19201 and added Section 19205 to the Health and Safety Code (HSC).
- ✍ HSC Section 19201 was amended to define "excess flow gas shutoff device" and "customer-owned gas piping" and to specify that a "seismic gas shutoff device" and "excess flow gas shutoff device" must not include any device installed on a gas distribution owned or operated by a public utility.
- ✍ HSC Section 19205 was added to require the Department of Housing and Community Development (HCD), in consultation with the State Architect and the State Fire Marshal to determine whether a proposal should be made to the California Building Standards Commission (CBSC) requiring seismic gas

- shutoff devices and excess flow gas shutoff devices on dwelling units, hotels, motels, and lodging houses.
- ✍ HCD must undertake this review during the annual code adoption cycle that begins after January 1, 2003 and must explain in writing all reasons if it determines to not make a proposal to CBSC, and must include an analysis of the cost and safety benefits if a proposal is made to CBSC.
  - ✍ CBSC must adopt or reject any joint proposal submitted by HCD, DSA and SFM requiring seismic gas shutoff devices and excess flow gas shutoff devices on dwelling units, hotels, motels, and lodging houses through the normal code adoption process.

This summary of legislative changes is not represented to be a complete digest of all new laws effecting persons regulated by the State Housing Law. The complete text of each law can be reviewed through the Official California Legislative Information website at: [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

For questions regarding housing construction, maintenance, and use requirements, please contact our State Housing Law Program at (916) 445-9471 or by email at [dwalls@hcd.ca.gov](mailto:dwalls@hcd.ca.gov).

Norman Sorensen  
Deputy Director



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## **Assembly Bill No. 1992**

### **CHAPTER 74**

An act to amend Sections 31468 and 31580.2 of, and to add Sections 31522.5, 31557.3, 31585.2, and 31678.3 to, the Government Code, relating to county employees' retirement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 2002. Filed with  
Secretary of State June 27, 2002.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

**AB 1992, Correa. County employees' retirement: board of retirement: Orange County.**

(1) Existing law authorizes boards of retirement of retirement systems subject to the County Employees Retirement Law of 1937 to appoint an administrator who shall not be subject to county civil service, who shall be a county employee, and who may be dismissed at will by the board, as specified.

This bill would authorize the board of retirement of the Orange County Employees Retirement System to appoint an administrator, assistant and subordinate administrators, legal counsel, an investment officer, and specified senior management employees. Those appointees would be employees of the retirement system, subject to terms of employment determined by the board of retirement.

(2) Under existing law, counties and districts, as defined, may provide retirement benefits to their employees pursuant to the County Employees Retirement Law of 1937.

This bill would include the Orange County Employees Retirement System within the definition of a "district" for purposes of providing retirement benefits to the system's employees. The bill would provide that when the system becomes a district, the employees of that district who had previously been in county service shall continue to be members of the system, without interruption in service or loss of credit, and all necessary appropriations and transfers of funds shall be charges against the funds of that district.

(3) The County Employees Retirement Law of 1937 authorizes a board of supervisors or governing body of a district, by resolution, to make any formula for calculation of benefits applicable to service credit earned prior to the date of the resolution and to require, subject to certain conditions, the affected members to pay some or all of the contributions

that would have been paid if the formula had been in effect during that designated period prior to the date of the resolution.

This bill would additionally authorize the board of supervisors or the governing body of a district in Orange County, by resolution adopted by majority vote and made pursuant to a memorandum of understanding, as specified, to make certain formulas for the calculation of benefits for general or safety members applicable to the employees of a bargaining unit comprised of general members, safety members, or employees of the Probation Services Unit and Probation Supervisory Management Unit, as specified. The bill would also require the affected members, subject to certain conditions, to pay some or all of those additional contributions, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 31468 of the Government Code is amended to read:

31468. (a) “District” means a district, formed under the laws of the state, located wholly or partially within the county other than a school district.

(b) “District” also includes any institution operated by two or more counties, in one of which there has been adopted an ordinance placing this chapter in operation.

(c) “District” also includes any organization or association authorized by Chapter 26 of the Statutes of 1935, as amended by Chapter 30 of the Statutes of 1941, or by Section 50024, which organization or association is maintained and supported entirely from funds derived from counties, and the board of any retirement system is authorized to receive the officers and employees of that organization or association into the retirement system managed by the board.

(d) “District” also includes, but is not limited to, any sanitary district formed under Part 1 (commencing with Section 6400) of Division 6 of the Health and Safety Code.

(e) “District” also includes any city, public authority, public agency, and any other political subdivision or public corporation formed or created under the Constitution or laws of this state and located or having jurisdiction wholly or partially within the county.

(f) “District” also includes any nonprofit corporation or association conducting an agricultural fair for the county pursuant to a contract between the corporation or association and the board of supervisors under the authority of Section 25905.





(g) “District” also includes the Regents of the University of California, but with respect only to employees who were employees of a county in a county hospital, who became university employees pursuant to an agreement for transfer to the regents of a county hospital or of the obligation to provide professional medical services at a county hospital, and who under that agreement had the right and did elect to continue membership in the county’s retirement system established under this chapter.

(h) “District” also includes the South Coast Air Quality Management District, a new public agency created on February 1, 1977, pursuant to Chapter 5.5 (commencing with Section 40400) of Part 3 of Division 26 of the Health and Safety Code.

(1) Employees of the South Coast Air Quality Management District shall be deemed to be employees of a new public agency occupying new positions on February 1, 1977. On that date, those new positions are deemed not to have been covered by any retirement system.

(2) No retirement system coverage may be effected for an employee of the South Coast Air Quality Management District who commenced employment with the district during the period commencing on February 1, 1977, and ending on December 31, 1978, unless and until the employee shall have elected whether to become a member of the retirement association established in accordance with this chapter for employees of Los Angeles County or the retirement association established in accordance with this chapter for employees of San Bernardino County. The election shall occur before January 1, 1980. Any employee who fails to make the election provided for herein shall be deemed to have elected to become a member of the retirement association established in accordance with this chapter for the County of Los Angeles.

(3) The South Coast Air Quality Management District shall make application to the retirement associations established in accordance with this chapter for employees of Los Angeles County and San Bernardino County for coverage of employees of the South Coast Air Quality Management District.

(4) An employee of the South Coast Air Quality Management District who commenced employment with the district during the period commencing on February 1, 1977, and ending on December 31, 1978, and who has not terminated employment before January 1, 1980, shall be covered by the retirement association elected by the employee pursuant to paragraph (2). That coverage shall be effected no later than the first day of the first month following the date of the election provided for in paragraph (2).



(5) Each electing employee shall receive credit for all service with the South Coast Air Quality Management District. However, the elected retirement association may require, as a prerequisite to granting that credit, the payment of an appropriate sum of money or the transfer of funds from another retirement association in an amount determined by an enrolled actuary and approved by the elected retirement association's board. The amount to be paid shall include all administrative and actuarial costs of making that determination. The amount to be paid shall be shared by the South Coast Air Quality Management District and the employee. The share to be paid by the employee shall be determined by good faith bargaining between the district and the recognized employee organization, but in no event shall the employee be required to contribute more than 25 percent of the total amount required to be paid. The elected retirement association's board may not grant that credit for that prior service unless the request for that credit is made to, and the required payment deposited with, the elected retirement association's board no earlier than January 1, 1980, and no later than June 30, 1980. The foregoing shall have no effect on any employee's rights to reciprocal benefits under Article 15 (commencing with Section 31830).

(6) An employee of the South Coast Air Quality Management District who commenced employment with the district after December 31, 1978, shall be covered by the retirement association established in accordance with this chapter for employees of San Bernardino County. That coverage shall be effected as of the first day of the first month following the employee's commencement date.

(7) Notwithstanding paragraphs (2) and (4) above, employees of the South Coast Air Quality Management District who were employed between February 1, 1977, and December 31, 1978, and who terminate their employment between February 1, 1977, and January 1, 1980, shall be deemed to be members of the retirement association established in accordance with this chapter for the employees of Los Angeles County commencing on the date of their employment with the South Coast Air Quality Management District.

(i) "District" also includes any nonprofit corporation that operates one or more museums within a county of the 15th class, as described by Sections 28020 and 28036 of the Government Code, as amended by Chapter 1204 of the Statutes of 1971, pursuant to a contract between the corporation and the board of supervisors of the county, and that has entered into an agreement with the board and the county setting forth the terms and conditions of the corporation's inclusion in the county's retirement system.

(j) "District" also includes any economic development association funded in whole or in part by a county of the 15th class, as described by



Sections 28020 and 28036 of the Government Code, as amended by Chapter 1204 of the Statutes of 1971, and that has entered into an agreement with the board of supervisors and the county setting forth the terms and conditions of the association's inclusion in the county's retirement system.

(k) "District" also includes any special commission established in the Counties of Tulare and San Joaquin as described by Section 14087.31 of the Welfare and Institutions Code, pursuant to a contract between the special commission and the county setting forth the terms and conditions of the special commission's inclusion in the county's retirement system with the approval of the board of supervisors and the board of retirement.

(l) "District" also includes the retirement system established under this chapter in Orange County.

SEC. 2. Section 31522.5 is added to the Government Code, to read:

31522.5. (a) In a county in which the board of retirement has appointed personnel pursuant to Section 31522.1, the board of retirement may appoint an administrator, an assistant administrator, a chief investment officer, senior management employees next in line of authority to the chief investment officer, subordinate administrators, senior management employees next in line of authority to subordinate administrators, and legal counsel.

(b) Notwithstanding any other provision of law, the personnel appointed pursuant to this section may not be county employees but shall be employees of the retirement system, subject to terms and conditions of employment established by the board of retirement. Except as specifically provided in this subdivision, all other personnel shall be county employees for purposes of the county's Employee Relations Resolution, or equivalent local rules, and the terms and conditions of employment established by the board of supervisors for county employees, including those set forth in a memorandum of understanding.

(c) The compensation of personnel appointed pursuant to this section shall be an expense of administration of the retirement system, pursuant to Section 31580.2.

(d) The board of retirement and board of supervisors may enter into any agreements as may be necessary and appropriate to carry out the provisions of this section.

(e) Section 31522.2 is not applicable to any retirement system that elects to appoint personnel pursuant to this section.

(f) This section shall apply only in Orange County.

SEC. 3. Section 31557.3 is added to the Government Code, to read:

31557.3. On the date a district, as defined in subdivision (l) of Section 31468, is included in the retirement system, any personnel appointed pursuant to Section 31522.5 who had previously been in county service shall continue to be members of the system without interruption in service or loss of credit. Thereafter, each person entering employment with the district shall become a member of the system on the first day of the calendar month following his or her entrance into service.

SEC. 4. Section 31580.2 of the Government Code is amended to read:

31580.2. In counties in which the board of retirement, or the board of retirement and the board of investment, have appointed personnel pursuant to Section 31522.1 or 31522.5, or both, the respective board or boards shall annually adopt a budget covering the entire expense of administration of the retirement system which expense shall be charged against the earnings of the retirement fund. The expense incurred in any year may not exceed eighteen-hundredths of 1 percent of the total assets of the retirement system.

SEC. 5. Section 31585.2 is added to the Government Code, to read:

31585.2. On and after the date a district, as defined in subdivision (l) of Section 31468, is included in the retirement system, the district's appropriations and transfers of funds made pursuant to Section 31585 shall be legal charges against the funds of the district and shall be part of the expense of administration of the retirement system pursuant to Section 31580.2.

SEC. 6. Section 31678.3 is added to the Government Code, to read:

31678.3. (a) Notwithstanding any other provision of this chapter, a resolution adopted by a board of supervisors to make any formula for calculation of retirement benefits described in this section applicable to the employees of the county does not apply to make that formula applicable to the employees of any district within the county. The governing body of a district may elect, by resolution adopted by majority vote, to make any formula for calculation of retirement benefits described in this section applicable to the employees of the district irrespective of whether the board of supervisors has made that election with respect to employees of the county.

(b) Notwithstanding any other provision of this chapter, the board of supervisors or the governing body of a district may, by resolution adopted by majority vote, pursuant to a memorandum of understanding made under the Meyers-Milius-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4 of Title 2), do any or all of the following:



(1) Apply Section 31621.8, 31676.17, 31676.18, or 31676.19 for the calculation of retirement benefits for general members to the employees in a bargaining unit comprised of general members.

(2) Apply Section 31664.1 for the calculation of retirement benefits for safety members to the employees in a bargaining unit comprised of safety members.

(3) Apply Section 31664 for the calculation of retirement benefits for safety members to the employees of the Probation Services Unit and the Probation Supervisory Management Unit.

(c) Any nonrepresented employees within similar job classifications as employees in a bargaining unit described in subdivision (b) or supervisors and managers thereof shall be subject to the same formula for the calculation of retirement benefits applicable to the employees in that bargaining unit.

(d) A resolution adopted pursuant to subdivision (b) may require members to pay a portion of the contributions attributable to past service liability, that would have been required if the benefits specified in the resolution, as adopted by the board of supervisors or the governing body of the district, had been in effect during the period of time designated in the resolution. Any payments required of represented employees shall first be approved in a memorandum of understanding made under the Meyers-Milias-Brown Act and executed by the board of supervisors or the governing body of the district and the employee representatives. The contributions paid by a member pursuant to this subdivision shall become part of the accumulated contributions of the member.

(e) This section shall only be applicable to members who retire on or after the effective date of the resolution described in subdivision (b).

(f) The board of supervisors or the governing body of a district may not unilaterally implement a retirement formula for any of its bargaining units.

(g) This section shall apply only in Orange County.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that contracts negotiated and agreed to between Orange County and county employees become operative, it is necessary that this act take effect immediately.



## Assembly Bill No. 1227

### CHAPTER 942

An act to amend Section 46206 of the Education Code, relating to instructional time.

[Approved by Governor September 26, 2002. Filed  
with Secretary of State September 27, 2002.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1227, Canciamilla. Minimum instructional time: penalty waiver.

Existing law authorizes the State Board of Education to waive the fiscal penalties for a school district or county office of education that fails to maintain the prescribed minimum length of time for the instructional school year, minimum number of instructional days, or both, upon the condition that the school or schools in which the minutes, days, or both, were lost maintain minutes and days of instruction equal to those lost for twice the number of years that it failed to meet those requirements, commencing not later than the year in which the waiver is granted.

This bill would authorize a waiver to be granted for fiscal penalties incurred as a result of a shortfall on instructional time in the 2000–01 fiscal year or thereafter only if the makeup minutes or days, or both, are commenced not later than the school year following the year in which the waiver is granted.

*The people of the State of California do enact as follows:*

SECTION 1. Section 46206 of the Education Code is amended to read:

46206. (a) The State Board of Education may waive the fiscal penalties set forth in this article for a school district or county office of education that fails to maintain the prescribed minimum length of time for the instructional school year, minimum number of instructional days for the school year, or both.

(b) For fiscal penalties incurred as a result of a shortfall on instructional time in the 2000–01 fiscal year or thereafter, a waiver may only be granted pursuant to subdivision (a) upon the condition that the school or schools in which the minutes, days, or both, were lost, maintain minutes and days of instruction equal to those lost and in addition to the amount otherwise prescribed in this article for twice the number of years

that it failed to maintain the prescribed minimum length of time for the instructional school year, minimum number of instructional days for the school year following the year, or both, commencing not later than the school year following the year in which the waiver was granted and continuing for each succeeding school year until the condition is satisfied. Compliance with the condition shall be specifically verified in the report of the annual audit of the school district or county office of education for each year in which the additional time is to be maintained. If an audit report for a year in which the additional time is to be maintained does not verify that the time was provided, that finding shall be addressed as set forth in Section 41344.

(c) It is the intent of the Legislature that school districts and county offices of education make every effort to make up any instructional days and minutes lost during the school year in which the loss occurred, rather than seeking a waiver pursuant to the provisions of this section.

(d) The State Board of Education may grant a waiver pursuant to subdivision (a) without the condition provided in subdivision (b) to any school district that maintained a single session kindergarten class in the 1982–83 school year for more than the maximum number of 240 minutes permitted by state law and that, due to the school district's growth and facilities limitations, is required to operate two sessions of kindergarten per day in the same classroom.



## Assembly Bill No. 800

### CHAPTER 295

An act to add Section 12951 to the Government Code, relating to employment discrimination.

[Approved by Governor September 12, 2001. Filed with Secretary of State September 12, 2001.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 800, Wesson. Employment: Workplace language policies.

Existing provisions of the California Fair Employment and Housing Act define and prohibit various discriminatory employment practices.

This bill would make it an unlawful employment practice for an employer to adopt or enforce a policy that prohibits the use of any language in the workplace unless the policy is justified by business necessity, as defined, and prescribed notice of the policy and consequences for violation of the policy is given to employees. The bill would also make a statement of legislative intent regarding its provisions.

*The people of the State of California do enact as follows:*

SECTION 1. In enacting Section 2 of this act, it is the intent of the Legislature to statutorily implement the constitutional protections provided by Section 8 of Article I of the California Constitution, that no person may be disqualified from entering or pursuing a business, profession, vocation, or employment because of national or ethnic origin, among other factors, while also recognizing the statement of policy provided by Section 6 of Article III of the California Constitution, that English is the official language of California.

SEC. 2. Section 12951 is added to the Government Code, to read:

12951. (a) It is an unlawful employment practice for an employer, as defined in subdivision (d) of Section 12926, to adopt or enforce a policy that limits or prohibits the use of any language in any workplace, unless both of the following conditions exist:

(1) The language restriction is justified by a business necessity.

(2) The employer has notified its employees of the circumstances and the time when the language restriction is required to be observed and of the consequences for violating the language restriction.

(b) For the purposes of this section, "business necessity" means an overriding legitimate business purpose such that the language restriction



is necessary to the safe and efficient operation of the business, that the language restriction effectively fulfills the business purpose it is supposed to serve, and there is no alternative practice to the language restriction that would accomplish the business purpose equally well with a lesser discriminatory impact.





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## Housing &amp; Community Development

## Codes and Standards

## State Housing Law

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### Mission Statement

To carry out the State Housing Law by adopting building standards and administrative regulations that assure safe and durable housing while safeguarding affordability.

### Program Purpose

The Legislature enacted the State Housing Law to encourage uniformity in building standards; protect the health, safety and general welfare of the public and occupants of residential buildings statewide.

### Program Description

The State Housing Law (SHL) Program was established to assure the availability of affordable housing and uniform statewide code enforcement; to protect the health, safety, and general welfare of the public and occupants of housing and buildings accessory thereto. To fulfill this obligation the SHL Program may propose legislation and regulations. The program oversees the application of state laws, regulations, and code enforcement by a city, county, city and county building, housing, health, and fire department or fire district.

The SHL Program develops statewide building standards for new construction of hotels, motels, lodginghouses, apartments, dwellings and buildings accessory thereto. The building standards are published in the California Code of Regulations, Title 24, known as the California Building Standards Code.

The SHL Program adopts regulations for maintenance, use, occupancy, repair, alteration, moving and demolition of existing hotels, motels, lodginghouses, apartments, dwellings and buildings accessory thereto. The regulations are published in the California Code of Regulations, Title 25, Division 1, Chapter 1.

### Additional Resources

#### On line Comment Form

- If you are unable to locate the information you need, have a comment about our program or have a specific question that we can answer, please use our [On Line Comment Form](#) to submit your comment or question. For comments or questions concerning issues within the State Housing Law Program, be sure to select "Conventional Building Codes" from the pull down menu under "My comment is about...."

[Program History](#)
[Program Laws and Regulations](#)
[2000/2001 Legislative Changes](#)
[Program Application & Scope](#)
[Program Activities](#)
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[Community Code Enforcement Pilot Program](#)
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[Manufactured Homes - A Handbook for Local Government](#)
[Housing Construction Codes - A Handbook for Local Government](#)
[Upcoming Meetings and Hearings](#)
[Department Contact Information](#)
[Information Bulletins](#)
[State Housing Law Program FAQs](#)
[Mold and Lead Information](#)
[Straw-Bale Construction Information](#)

#### What's New

- [Events](#)
- [Newsletters](#)
- [Notices of Funding Availability](#)
- [Press Releases](#)
- [Recent Site Updates](#)

#### Accessibility Links

- [Web site for HUD's Fair Housing Amendments Act Design Manual](#). First published in 1996, the *Fair Housing Act Design Manual: A Manual to Assist Designers and Builders in Meeting the Accessibility Requirements of The Fair Housing Act* provides clear and helpful guidance about ways to design and construct housing which complies with the Fair Housing Act.

#### Government Links

- [Federal Government Agencies](#)
- [Contractors State License Board](#)
- [California Energy Commission](#)
- [California Building Standards Commission](#)
- [California State Codes](#)
- [CDF & Office of the State Fire Marshal](#)
- [Office of Emergency Services](#)
- [Division of State Architect](#)
- [Division of State Architect Access Compliance](#)

#### Organizations

- [International Conference of Building Officials \(ICBO\)](#)
- [International Code Council \(ICC\)/\(CABO\)](#)
- [California Building Officials \(CALBO\)](#)
- [Southern Building Code Congress International \(SBCCI\)](#)
- [Building Officials and Code Administrators \(BOCA\)](#)
- [The International Association of Plumbing and Mechanical Officials \(IAPMO\)](#)
- [The National Fire Protection Association \(NFPA\)](#)
- [The NFPA Building Code](#)
- [American National Standards Institute \(ANSI\)](#)
- [Underwriters Laboratories Inc.](#)
- [National Evaluation Service](#)
- [NSF International](#)

#### Industry

- [National Association of Counties](#)
- [The American Institute of Architects](#)
- [American Society of Home Inspectors](#)
- [National Gypsum](#)
- [USG Corporation](#)
- [California Building Industry Association](#)
- [National Association of Home Builders](#)
- [California Association of Code Enforcement \(C.A.C.E.\)](#)

#### [Informational Links Concerning Mold and Lead Paint](#)

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2000 State of California. Gray Davis, Governor. [Site Usage and Policies](#)

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## ASSEMBLY BILL

**No. 460**

**Introduced by Assembly Member Wyman**

February 20, 2001

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An act relating to energy, ~~and making an appropriation therefor.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 460, as amended, Wyman. Energy: transmission: Path 15.

The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would ~~appropriate \$10,000,000 to~~ *require* the State Energy Resources Conservation and Development Commission *to allocate \$10,000,000 to the Transmission Authority of Northern California* for the purpose of funding the environmental studies of Path 15, ~~to be completed by the Transmission Authority of Northern California during 2001~~ *as defined, subject to the appropriation of funds for this purpose in the annual Budget Act.*

Vote:  $\frac{2}{3}$  majority. Appropriation: ~~yes~~ *no*. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

~~SECTION 1. The sum of ten million dollars (\$10,000,000) is hereby appropriated from the General Fund to the State Energy Resources Conservation and Development Commission for the purpose of funding the environmental studies of Path 15, to be completed by the Transmission Authority of Northern California during 2001.~~

*SECTION 1. The State Energy Resources Conservation and Development Commission shall allocate, subject to the appropriation of funds for this purpose in the annual Budget Act, the sum of ten million dollars (\$10,000,000) to the Transmission Authority of Northern California for the purpose of funding the environmental studies of Path 15. For purposes of this section, "Path 15" is a group of high-voltage power lines located between Tracy and Bakersfield that transmit electricity between northern and southern California.*



## Senate Bill No. 332

### CHAPTER 31

An act to amend Sections 18944.30, 18944.31, 18944.33, 18944.35, and 18944.40 of, and to add Section 18944.41 to, the Health and Safety Code, relating to building standards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 2002. Filed with  
Secretary of State April 26, 2002.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 332, Sher. Building standards: straw-bale structures.

(1) Existing law, known as the State Building Standards Law, creates the California Building Standards Commission and authorizes it to review proposed building standards, adopt or reject these proposed standards, and codify and publish the adopted standards in the California Building Standards Code. Local agencies have the responsibility for the enforcement of numerous provisions of the California Building Standards Code.

The existing law declares the intent of the Legislature to adopt safety guidelines for the construction of structures, including single-family dwellings, that use baled rice straw, as defined, as a loadbearing or nonloadbearing material. The guidelines do not become operative within any city or county unless and until a specified finding is made and the finding is filed with the Department of Housing and Community Development.

This bill would revise the guidelines and would require them to apply to the construction of all structures that use baled straw as a loadbearing or nonloadbearing material within a city or county that has adopted the guidelines in existing law prior to January 1, 2002. It would provide that the guidelines proposed by this bill would not become operative in any other city or county, unless and until the legislative body of a city or county makes an express finding that the guidelines apply within the city or county because of local conditions and the city or county files a copy of the finding with the department. It would also provide that the guidelines would become inoperative when building standards that permit the construction of these structures become effective after approval by the commission. Because the bill would impose new duties on local enforcement agencies, the bill would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 18944.30 of the Health and Safety Code is amended to read:

18944.30. The Legislature finds and declares all of the following:

(a) There is an urgent need for low-cost, energy-efficient housing in California.

(b) The cost of conventional lumber-framed housing has risen due to a shortage of construction-grade lumber.

(c) Straw is an annually renewable source of cellulose that can be used as an energy-efficient substitute for stud-framed wall construction.

(d) The state has mandated that the burning of rice straw be greatly reduced.

(e) As a result of the mandated burning reduction, growers are experimenting with alternative straw management practices. Various methods of straw incorporation into the soil are the most widely used alternatives. The two most common methods are nonflood incorporation and winter flood incorporation. Economically viable off-farm uses for rice straw are not yet available.

(f) Winter flooding of rice fields encourages the natural decomposition of rice straw and provides valuable waterfowl habitat. According to the Central Valley Habitat Joint Venture component of the North American Waterfowl Management Plan, in California's Central Valley, over 400,000 acres of enhanced agricultural lands are needed to restore the depleted migratory waterfowl populations of the Pacific flyway. Flooded rice fields are a key and integral part of the successful restoration of historic waterfowl and shorebird populations.

(g) Winter flooding of rice fields provides significant waterfowl habitat benefits and should be especially encouraged in areas where there



is minimal potential to impact salmon as a result of surface water diversions.

(h) An economically viable market for rice straw bales could result from the use of rice straw bales in housing construction.

(i) Practicing architects and engineers have determined that the statutory guidelines established by Chapter 941 of the Statutes of 1995 contain specific requirements that they believe are either unnecessary or detrimental. Some of the requirements are considered costly and severely restrict the development of straw-bale housing.

(j) Statutory guidelines for the use of straw-bale housing would significantly benefit energy conservation, natural resources, low-cost housing, agriculture, and fisheries in California.

(k) Tests and experience with straw-bale construction demonstrate that it is a strong, durable, and thermally superior building system that deserves a larger role in modern construction.

SEC. 2. Section 18944.31 of the Health and Safety Code is amended to read:

18944.31. (a) Notwithstanding any other provision of law, the guidelines established by this chapter shall apply to the construction of all structures that use baled straw as a loadbearing or nonloadbearing material within any city or county that adopted the guidelines established by Chapter 941 of the Statutes of 1995 prior to January 1, 2002. This requirement shall not preclude the city or county from making changes or modifications to the guidelines pursuant to subdivision (b). Notwithstanding any other provision of law, the guidelines established by this chapter shall not become operative in a city or county that has not adopted the guidelines prior to January 1, 2002, unless and until the legislative body of the city or county makes an express finding that the application of these guidelines within the city or county is reasonably necessary because of local conditions and the city or county files a copy of that finding with the department.

(b) A city or county may, by ordinance or regulation, make any changes or modifications in the guidelines contained in this chapter as it determines are reasonably necessary because of local conditions, provided the city or county files a copy of the changes or modifications and the express findings for the changes or modifications with the department. No change or modification of that type shall become effective or operative for any purpose until the finding and the change or modification has been filed with the department.

(c) Nothing in this chapter shall be construed as increasing or decreasing the authority to approve or disapprove of alternative construction methods pursuant to the State Housing Law, Part 1.5





(commencing with Section 17910) or the California Building Standards Code, Title 24 of the California Code of Regulations.

(d) It is the intent of the Legislature that the statutory guidelines of this chapter serve as an interim measure pending the evaluation of straw bales as a construction material through the normal processes used for the testing and listing of building materials, the determination of construction standards, and the adoption of those materials and construction standards into the California Building Standards Code.

SEC. 3. Section 18944.33 of the Health and Safety Code is amended to read:

18944.33. For the purposes of this chapter, the following terms are defined as follows:

(a) “Bales” means rectangular compressed blocks of straw, bound by strings or wire.

(b) “Department” means the Department of Housing and Community Development.

(c) “Flakes” means slabs of straw removed from an untied bale. Flakes are used to fill small gaps between the ends of stacked bales.

(d) “Laid flat” refers to stacking bales so that the sides with the largest cross-sectional area are horizontal and the longest dimension of this area is parallel with the wall plane.

(e) “Laid on edge” refers to stacking bales so that the sides with the largest cross-sectional area are vertical and the longest dimension of this area is horizontal and parallel with the wall plane.

(f) “Loadbearing” refers to plastered straw-bale walls that bear the dead and live loads of the roof and any upper floor.

(g) “Nonloadbearing” refers to plastered straw-bale walls that bear only their own weight, such as infill panels within some type of post and beam structure.

(h) “Plaster” means lime, gypsum, lime cement, or cement plasters, as defined by the California Building Standards Code, or earthen plaster with fiber reinforcing.

(i) “Straw” means the dry stems of cereal grains left after the seed heads have been substantially removed.

SEC. 4. Section 18944.35 of the Health and Safety Code is amended to read:

18944.35. (a) Bales shall be rectangular in shape.

(b) Bales used within a continuous wall shall be of consistent height and width to ensure even distribution of loads within wall systems.

(c) Bales shall be bound with ties of either polypropylene string or baling wire. Bales with broken or loose ties shall not be used unless the broken or loose ties are replaced with ties which restore the original degree of compaction of the bale.



(d) The moisture content of bales, at the time of installation, shall not exceed 20 percent of the total weight of the bale. Moisture content of bales shall be determined through the use of a suitable moisture meter, designed for use with baled rice straw or hay, equipped with a probe of sufficient length to reach the center of the bale, and used to determine the average moisture content of five bales randomly selected from the bales to be used.

(e) Bales in loadbearing walls shall have a minimum calculated dry density of 7.0 pounds per cubic foot. The calculated dry density shall be determined after reducing the actual bale weight by the weight of the moisture content.

(f) Where custom-made partial bales are used, they shall be of the same density, same string or wire tension, and, where possible, use the same number of ties as the standard size bales.

(g) Bales of various types of straw, including wheat, rice, rye, barley, oats, and similar plants, shall be acceptable if they meet the minimum requirements of this chapter for density, shape, moisture content, and ties.

SEC. 5. Section 18944.40 of the Health and Safety Code is amended to read:

18944.40. (a) Straw-bale walls, when covered with plaster, drywall, or stucco, shall be deemed to have the equivalent fire resistive rating as wood-frame construction with the same wall-finishing system.

(b) Minimum bale wall thickness shall be 13 inches.

(c) Buildings with loadbearing bale walls shall not exceed one story in height without substantiating calculations and design by a civil engineer or architect licensed by the state, and the bale portion of the loadbearing walls shall not exceed a height-to-width ratio of 5.6:1 (for example, the maximum height for a wall that is 23 inches thick would be 10 feet 8 inches).

(d) The ratio of unsupported wall length to thickness, for loadbearing walls, shall not exceed 15.7:1 (for example, for a wall that is 23 inches thick, the maximum unsupported length allowed is 30 feet).

(e) The allowable vertical load (live and dead load) on top of loadbearing bale walls plastered with cement or lime cement plaster on both sides shall not exceed 800 pounds per linear foot, and the resultant load shall act at the center of the wall. Straw-bale structures shall be designed to withstand all vertical and horizontal loads, and the resulting overturning and base shear, as specified in the latest edition of the California Building Standards Code. Straw-bale walls plastered with cement or lime cement plaster on both sides shall be capable of resisting in-plane lateral forces from wind or earthquake of 360 pounds per linear foot.



(f) Foundations shall be designed in accordance with the California Building Standards Code to accommodate the load created by the bale wall plus superimposed live and dead loads. Supports for bale walls shall extend to an elevation of at least six inches above adjacent ground at all points, and at least one inch above floor surfaces.

(g) (1) Bale walls shall be anchored to supports to resist lateral forces, as approved by the civil engineer or architect. This may be accomplished with one-half inch reinforcing bars embedded in the foundation and penetrating the bales by at least 12 inches, located along the center line of the bale wall, spaced not more than two feet apart. Other methods as determined by the engineer or architect may also be used.

(2) Nonbale walls abutting bale walls shall be attached by means of one or more of the following methods or by means of an acceptable equivalent:

(A) Wooden dowels of  $\frac{5}{8}$  inch minimum diameter and of sufficient length to provide 12 inches of penetration into the bale, driven through holes bored in the abutting wall stud, and spaced to provide one dowel connection per bale.

(B) Pointed wooden stakes, a minimum of 12 inches in length and  $1\frac{1}{2}$  inches by  $3\frac{1}{2}$  inches at the exposed end, fully driven into each course of bales, as anchorage points.

(C) Bolted or threaded rod connection of the abutting wall, through the bale wall, to a steel nut and steel or plywood plate washer, a minimum of 6 inches square and a minimum thickness of  $\frac{3}{16}$  of an inch for steel and  $\frac{1}{2}$  inch for plywood, in a minimum of three locations.

(3) (A) Bale walls and roof bearing assemblies shall be anchored to the foundation where necessary, as determined by the civil engineer or architect, by means of methods that are adequate to resist uplift forces resulting from the design wind load. There shall be a minimum of two points of anchorage per wall, spaced not more than 6 feet apart, with one located within 36 inches of each end of each wall.

(B) With loadbearing bale walls, the dead load of the roof and ceiling systems will produce vertical compression of the walls. Regardless of the anchoring system used to attach the roof bearing assembly to the foundation, prior to installation of wall finish materials, the nuts, straps, or cables shall be retightened to compensate for this compression.

(h) (1) A moisture barrier shall be used between the top of the foundation and the bottom of the bale wall to prevent moisture from migrating through the foundation so as to come into contact with the bottom course of bales. This barrier shall consist of one of the following:

(A) Cementitious waterproof coating.

(B) Type 30 asphalt felt over an asphalt emulsion.

(C) Sheet metal flashing, sealed at joints.



(D) Another building moisture barrier, as approved by the building official.

(2) All penetrations through the moisture barrier, as well as all joints in the barrier, shall be sealed with asphalt, caulking, or an approved sealant.

(3) There shall also be a drainage plane between the straw and the top of the foundation, such as a one inch layer of pea gravel.

(i) (1) For nonloadbearing walls, bales may be laid either flat or on edge. Bales in loadbearing bale walls shall be laid flat and be stacked in a running bond, where possible, with each bale overlapping the two bales beneath it. Overlaps shall be a minimum of 12 inches. Gaps between the ends of bales which are less than 6 inches in width may be filled by an untied flake inserted snugly into the gap.

(2) Bale wall assemblies shall be held securely together by rebar pins driven through bale centers as described in this chapter, or equivalent methods as approved by the civil engineer or architect.

(3) The first course of bales shall be laid by impaling the bales on the rebar verticals and threaded rods, if any, extending from the foundation. When the fourth course has been laid, vertical #4 rebar pins, or an acceptable equivalent long enough to extend through all four courses, shall be driven down through the bales, two in each bale, located so that they do not pass through the space between the ends of any two bales. The layout of these rebar pins shall approximate the layout of the rebar pins extending from the foundation. As each subsequent course is laid, two pins, long enough to extend through that course and the three courses immediately below it, shall be driven down through each bale. This pinning method shall be continued to the top of the wall. In walls seven or eight courses high, pinning at the fifth course may be eliminated.

(4) Alternative pinning method to the method described in paragraph (3): when the third course has been laid, vertical #4 rebar pins, or an acceptable equivalent, long enough to extend through all three courses, shall be driven down through the bales, two in each bale, located so that they do not pass through the space between the ends of any two bales. The layout of these rebar pins shall approximate the layout of the rebar pins extending from the foundation. As each subsequent course is laid, two pins, long enough to extend through that course and the two courses immediately below it, shall be driven down through each bale. This pinning method shall be continued to the top of the wall.

(5) Only full-length bales shall be used at corners of loadbearing bale walls.

(6) Vertical #4 rebar pins, or an acceptable alternative, shall be located within one foot of all corners or door openings.



(7) Staples, made of #3 or larger rebar formed into a “U” shape, a minimum of 18 inches long with two 6-inch legs, shall be used at all corners of every course, driven with one leg into the top of each abutting corner bale.

(j) (1) All loadbearing bale walls shall have a roof bearing assembly at the top of the walls to bear the roof load and to provide the means of connecting the roof structure to the foundation. The roof bearing assembly shall be continuous along the tops of loadbearing bale walls.

(2) An acceptable roof bearing assembly option shall consist of two double 2-inch by 6-inch, or larger, horizontal top plates, one located at the inner edge of the wall and the other at the outer edge. Connecting the two doubled top plates, and located horizontally and perpendicular to the length of the wall, shall be 2-inch by 6-inch cross members, spaced no more than 72 inches center to center, and as required to align with the threaded rods extending from the anchor bolts in the foundation. The double 2-inch by 6-inch top plates shall be face-nailed with 16d nails staggered at 16-inch o.c., with laps and intersections face-nailed with four 16d nails. The crossmembers shall be face-nailed to the top plates with four 16d nails at each end. Corner connections shall include overlaps nailed as above or an acceptable equivalent, such as plywood gussets or metal plates. Alternatives to this roof bearing assembly option shall provide equal or greater vertical rigidity and provide horizontal rigidity equivalent to a continuous double 2 by 4 top plate.

(3) The connection of roof framing members to the roof plate shall comply with the appropriate sections of the California Building Standards Code.

(k) All openings in loadbearing bale walls shall be a minimum of one full bale length from any outside corner, unless exceptions are approved by an engineer or architect licensed by the state to practice. Wall or roof load present above any opening shall be carried, or transferred, to the bales below by one of the following:

(1) A frame, such as a structural window or door frame.

(2) A lintel, such as an angle-iron cradle, wooden beam, or wooden box beam. Lintels shall be at least twice as long as the opening is wide and extend a minimum of 24 inches beyond either side of the opening. Lintels shall be centered over openings.

(3) A roof bearing assembly designed to act as a rigid beam over the opening.

(l) (1) All weather-exposed bale walls shall be protected from water damage. No vapor impermeable barrier may be used on bale walls, and the civil engineer or architect may design the bale walls without any membrane barriers between straw and plaster, except as specified in this



section, in order to allow natural transpiration of moisture from the bales and to secure a structural bond between plaster and straw.

(2) Bale walls shall have special moisture protection provided at all horizontal surfaces exposed to the weather. This moisture protection shall be installed in a manner that will prevent water from entering the wall system.

(m) (1) Interior and exterior surfaces of bale walls shall be protected from mechanical damage, flame, animals, and prolonged exposure to water. Bale walls adjacent to bath and shower enclosures shall be protected by a moisture barrier.

(2) Cement stucco shall be reinforced with galvanized woven wire stucco netting or an equivalent, as approved by the building official. The reinforcement shall be secured by attachment through the wall at a maximum spacing of 24 inches horizontally and 16 inches vertically, unless substantiated otherwise by a civil engineer or architect.

(3) Where bales abut other materials, the plaster or stucco shall be reinforced with galvanized expanded metal lath, or an acceptable equivalent, extending a minimum of 6 inches onto the bales.

(4) Earthen and lime-based plasters may be applied directly onto bale walls without reinforcement, except where applied over materials other than straw.

(n) (1) All wiring within or on bale walls shall meet all provisions of the California Electrical Code. Type “NM” or “UF” cable may be used, or wiring may be run in metallic or nonmetallic conduit systems.

(2) Electrical boxes shall be securely attached to wooden stakes driven a minimum of 12 inches into the bales, or an acceptable equivalent.

(o) Water or gas pipes within bale walls shall be encased in a continuous pipe sleeve to prevent leakage within the wall. Where pipes are mounted on bale walls, they shall be isolated from the bales by a moisture barrier.

(p) Bales shall be protected from rain and other moisture infiltration at all times until protected by the roof of the structure.

SEC. 6. Section 18944.41 is added to the Health and Safety Code, to read:

18944.41. Sections 18944.30, 18944.31, 18944.33, 18944.35, and 18944.40 shall become inoperative when building standards become effective after approval by the California Building Standards Commission pursuant to Chapter 4 (commencing with Section 18935) that permit the construction of structures that use baled straw as a loadbearing or nonloadbearing material and that are safe to the public.

SEC. 7. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains

costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

To ensure that recent improvements in the 1995 state guidelines governing design and engineering of structures constructed with baled straw are made available to the public at the earliest opportunity, and to expedite ongoing efforts by the California rice industry to develop alternative markets and uses for rice straw stubble, it is necessary that this act take effect immediately.



## **Assembly Bill No. 2787**

### **CHAPTER 726**

An act to amend Section 51.2 of the Civil Code, to add Section 17959 to the Health and Safety Code, and to add Section 9105.1 to the Welfare and Institutions Code, relating to building standards.

[Approved by Governor September 20, 2002. Filed  
with Secretary of State September 20, 2002.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

**AB 2787, Aroner. Building standards: universal design.**

Existing law presumes that a housing development for senior citizens constructed on or after January 1, 2001, is designed to meet the physical and social needs of senior citizens for purposes of meeting existing laws regarding age discrimination in housing if the housing development includes specified elements.

Existing law also encourages developers of these housing developments to implement in their construction the principles of universal design or any other design guidelines for home modifications for seniors that may be promulgated by the California Department of Aging.

This bill would, instead, by December 31, 2003, require the Department of Housing and Community Development, in consultation with specified state agencies, and without significantly impacting housing cost and affordability, to develop guidelines and at least one model ordinance for new construction and home modifications that are consistent with particular principles of universal design or other similar design guidelines, as specified.

Under the existing State Housing Law the California Building Standards Code applies to any city or county that does not amend, add, or repeal ordinances or regulations that impose the same requirements as the code, except that the law authorizes a city or county to make changes or modifications as it determines are reasonably necessary because of local climatic, geological, or topographical conditions if the findings of reasonable necessity and the modification or change are filed with the California Building Standards Commission.

The bill would authorize, commencing January 1, 2005, a city, county, or city and county to make, by ordinance, changes or modifications to the requirements of the code if the city, county, or city and county determines that the ordinance is reasonably necessary and is



substantially the same as the guidelines or model ordinance prepared by the department pursuant to the bill.

The bill would encourage developers of housing for senior citizens, persons with disabilities, and other persons and families, in a city or county where a universal design ordinance has not been adopted, to seek information regarding the principles of universal design, as specified.

The bill would authorize the California Department of Aging, in partnership with specified entities, to develop and provide consumer advice regarding home modification for seniors and persons with disabilities.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares as follows:

(a) California's population is aging, and most aging persons prefer to stay in their homes and neighborhoods as long as possible. In addition, many households share their homes with parents, children, spouses, and other household members who have a range of temporary or permanent mobility disabilities. For all of these persons, the social and financial costs of residential care settings often are excessive and impose additional costs for government assistance programs.

(b) Many California households are seeking to have their homes constructed or modified to allow for full life cycle use, available for visits or residence by parents, grandparents, and others who have difficulty entering or using these homes due to barriers resulting from traditional construction standards. Adding home modifications after construction far exceeds the cost of including barrier-free standards at the time of construction and often results in temporary displacement until modifications are complete.

(c) Many government and private entities have considered adoption of the principles of universal design to allow for inclusive use of homes. Universal design has several major components: designing products so that they are flexible enough that they can be used by people with a wide range of abilities and circumstances, and designing homes and appliances so that they are compatible with assistive technologies that might be used by those who cannot efficiently use the products directly. Universal design options include, but are not limited to, zero-step entries based on site grading or ramps, wider doorways and doors with lever handles, bathrooms amenable to the addition of assistive facilities, safe passageways and work areas, and use of appropriately installed switches and receptacles, counters, and appliances.

(d) The costs of construction or home modifications using the principles of universal design are increased by inadequate knowledge of



the options, benefits, and opportunities, and the lack of consistent standards throughout a jurisdiction or the state. Local governments do not have authority to enact ordinances regulating universal design standards for residences under current state laws.

(e) The development and dissemination of guidelines and model statewide ordinances, and the authority for enactment of these model ordinances by local governments, will provide a variety of social and financial cost benefits to individuals and government agencies serving persons who are aging or frail. They also will maintain building code consistency, and encourage the development of new appliances and assistive devices that encourage inclusive use of homes. They also will permit persons who are aging or frail to remain with their families, in their own homes, for longer periods by encouraging increased development and modification of homes with barrier-free access and use.

SEC. 2. Section 51.2 of the Civil Code is amended to read:

51.2. (a) Section 51 shall be construed to prohibit a business establishment from discriminating in the sale or rental of housing based upon age. Where accommodations are designed to meet the physical and social needs of senior citizens, a business establishment may establish and preserve that housing for senior citizens, pursuant to Section 51.3, except housing as to which Section 51.3 is preempted by the prohibition in the federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implementing regulations against discrimination on the basis of familial status. For accommodations constructed before February 8, 1982, that meet all the criteria for senior citizen housing specified in Section 51.3, a business establishment may establish and preserve that housing development for senior citizens without the housing development being designed to meet physical and social needs of senior citizens.

(b) This section is intended to clarify the holdings in *Marina Point, Ltd. v. Wolfson* (1982) 30 Cal. 3d 72 and *O'Connor v. Village Green Owners Association* (1983) 33 Cal. 3d 790.

(c) This section shall not apply to the County of Riverside.

(d) A housing development for senior citizens constructed on or after January 1, 2001, shall be presumed to be designed to meet the physical and social needs of senior citizens if it includes all of the following elements:

(1) Entryways, walkways, and hallways in the common areas of the development, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair.



(2) Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking.

(3) Walkways and hallways in the common areas shall have lighting conditions which are of sufficient brightness to assist persons who have difficulty seeing.

(4) Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.

(5) The development shall be designed to encourage social contact by providing at least one common room and at least some common open space.

(6) Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents.

(7) The development shall comply with all other applicable requirements for access and design imposed by law, including, but not limited to, the Fair Housing Act (42 U.S.C. Sec. 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.), and the regulations promulgated at Title 24 of the California Code of Regulations that relate to access for persons with disabilities or handicaps. Nothing in this section shall be construed to limit or reduce any right or obligation applicable under those laws.

SEC. 3. Section 17959 is added to the Health and Safety Code, to read:

17959. (a) No later than December 31, 2003, the department shall consider proposed universal design guidelines for home construction or home modifications which may be submitted by the California Department of Aging, the California Commission on Aging, the Department of Rehabilitation, the office of the State Architect of the Department of General Services, the office of the State Fire Marshal, the California Building Standards Commission, or other state departments. Thereafter, the department, without significantly impacting housing cost and affordability, shall, in consultation with these agencies, develop guidelines and at least one model ordinance for new construction and home modifications that is consistent with the principles of universal design as promulgated by the Center for Universal Design at North Carolina State University or other similar design guidelines that enhance the full life cycle use of housing without regard to the physical abilities or disabilities of a home's occupants or guests in order to accommodate a wide range of individual preferences and functional abilities. In developing these guidelines and model ordinances, the department also shall meet with, and solicit information from, individuals and organizations representing individuals and entities with interests in



construction, local governments, the health and welfare of senior citizens and persons with disabilities, architects, and others with expertise in these design and living issues. The department shall ensure that at least three meetings subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of the Government Code) shall occur, that shall include opportunities for government agencies, individuals, and organizations identified in this subdivision to participate and comment on proposed guidelines or draft model ordinances.

(b) (1) In addition to the authority granted by Sections 17958.5 and 18941.5, and for the purposes of this section, a city, county, or city and county may, by ordinance, make changes or modifications in addition to or in excess of the requirements contained in the California Building Standards Code adopted pursuant to Sections 17922 and 18928 if the city, county, or city and county makes a finding that the changes and modifications are reasonably necessary and are substantially the same as the guidelines or model ordinances adopted pursuant to subdivision (a). In no case shall the changes or modifications be less restrictive than the requirements published in the California Building Standards Code.

(2) A city, county, or city and county adopting an ordinance pursuant to this subdivision shall file a copy of the ordinance and the findings with the department. No such ordinance shall become effective or operative for any purpose until the findings and the ordinance have been filed with the department. The department may review the findings and each ordinance to evaluate their consistency with this subdivision, and shall provide written comments to the adopting entity as to any such evaluation.

(c) (1) In a city, county, or city and county where a universal design ordinance has not been adopted pursuant to subdivision (b), developers of housing for senior citizens, persons with disabilities, and other persons and families are encouraged, but not required, to seek information and assistance from the department and the California Department of Aging regarding the principles of universal design specified in subdivision (a) and consider those principles in their construction.

(2) The department, the California Department of Aging, and any other interested state agency also may, to the extent feasible, disseminate information to interested persons and entities in all parts of the state regarding the principles of universal design and their relationship to new construction and home modifications.

(d) Subdivision (b) shall become operative on January 1, 2005.

SEC. 4. Section 9105.1 is added to the Welfare and Institutions Code, to read:



9105.1. The department, in partnership with the area agencies on aging, the Department of Rehabilitation, any independent living centers, any contractor selected to implement the federal Assistive Technology Act of 1998 (Public Law 105-394), and any organization that serves seniors and persons with disabilities, may develop and provide consumer advice regarding home modification for seniors and persons with disabilities.



## Assembly Bill No. 1561

### CHAPTER 421

An act to amend Section 25402 of the Public Resources Code, relating to energy resources.

[Approved by Governor September 7, 2002. Filed with Secretary of State September 9, 2002.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1561, Kelley. Energy efficiency standards: clothes washers.

Existing law requires the State Energy Resources Conservation and Development Commission, after one or more public hearings, to prescribe, by regulation, among other things, certain energy efficiency standards, cost effective measures, and consumer education programs, to promote the use of energy efficient appliances whose use, as determined by the commission, requires a significant amount of energy on a statewide basis.

This bill would require the commission, not later than January 1, 2004, to amend existing regulations pertaining to energy efficiency standards for residential clothes washers to require these clothes washers manufactured on or after January 1, 2007 to be at least as efficient as commercial washers. The bill would also require the commission, not later than April 1, 2004, to petition the federal Department of Energy for an exemption from any federal regulations governing energy efficiency standards that are applicable to residential clothes washers, and to report to the Legislature on its progress with respect to the above requirements not later than January 1, 2005.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) Significant amounts of energy are consumed in the state through pumping water, water treatment, and sewage treatment.

(b) Water conservation is a proven tool that will make the most effective use of the state's limited water supply, and will conserve energy.

(c) A significant portion of urban water demand in the state is for residential clothes washers.

(d) Section 17138 of the Revenue and Taxation Code includes in the description of water efficient clothes washers that qualify for a tax credit those clothes washers that meet specified water efficiency standards, as



determined by the State Energy Resources Conservation and Development Commission.

(e) The State Energy Resources Conservation and Development Commission established a water energy efficiency standard for all commercial clothes washers sold in California on and after January 1, 2007.

(f) The federal Department of Energy regulations preempt the state from establishing a maximum water factor for residential clothes washers.

SEC. 2. Section 25402 of the Public Resources Code is amended to read:

25402. The commission shall, after one or more public hearings, do all of the following, in order to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy:

(a) Prescribe, by regulation, lighting, insulation climate control system, and other building design and construction standards that increase the efficiency in the use of energy for new residential and new nonresidential buildings. The standards shall be cost effective, when taken in their entirety, and when amortized over the economic life of the structure when compared with historic practice. The commission shall periodically update the standards and adopt any revision that, in its judgment, it deems necessary. Six months after the commission certifies an energy conservation manual pursuant to subdivision (c) of Section 25402.1, no city, county, city and county, or state agency shall issue a permit for any building unless the building satisfies the standards prescribed by the commission pursuant to this subdivision or subdivision (b) of this section that are in effect on the date an application for a building permit is filed.

(b) Prescribe, by regulation, energy conservation design standards for new residential and new nonresidential buildings. The standards shall be performance standards and shall be promulgated in terms of energy consumption per gross square foot of floorspace, but may also include devices, systems, and techniques required to conserve energy. The standards shall be cost effective when taken in their entirety, and when amortized over the economic life of the structure when compared with historic practices. The commission shall periodically review the standards and adopt any revision that, in its judgment, it deems necessary. A building that satisfies the standards prescribed pursuant to this subdivision need not comply with the standards prescribed pursuant to subdivision (a). The commission shall comply with this subdivision before January 1, 1981.

(c) (1) Prescribe, by regulation, standards for minimum levels of operating efficiency, based on a reasonable use pattern, and may



prescribe other cost effective measures, including incentive programs, fleet averaging, energy consumption labeling not preempted by federal labeling, and consumer education programs, to promote the use of energy efficient appliances whose use, as determined by the commission, requires a significant amount of energy on a statewide basis. The minimum levels of operating efficiency shall be based on feasible and attainable efficiencies or feasible improved efficiencies that will reduce the electrical energy consumption growth rate. The standards shall become effective no sooner than one year after the date of adoption or revision. No new appliance manufactured on or after the effective date of the standards may be sold or offered for sale in the state, unless it is certified by the manufacturer thereof to be in compliance with the standards. The standards shall be drawn so that they do not result in any added total costs to the consumer over the designed life of the appliances concerned.

(2) No new appliance, except for any plumbing fitting, regulated under paragraph (1), which is manufactured on or after July 1, 1984, may be sold, or offered for sale, in the state, unless the date of the manufacture is permanently displayed in an accessible place on that appliance.

(3) During the period of five years after the commission has adopted a standard for a particular appliance under paragraph (1), no increase or decrease in the minimum level of operating efficiency required by the standard for that appliance shall become effective, unless the commission adopts other cost-effective measures for that appliance.

(4) Neither the commission nor any other state agency shall take any action to decrease any standard adopted under this subdivision on or before June 30, 1985, prescribing minimum levels of operating efficiency or other energy conservation measures for any appliance, unless the commission finds by a four-fifths vote that a decrease is of benefit to ratepayers, and that there is significant evidence of changed circumstances. Prior to January 1, 1986, the commission shall not take any action to increase any standard prescribing minimum levels of operating efficiency for any appliance or adopt any new standard under paragraph (1). Prior to January 1, 1986, any appliance manufacturer doing business in this state shall provide directly, or through an appropriate trade or industry association, information, as specified by the commission after consultation with manufacturers doing business in the state and appropriate trade or industry associations on sales of appliances so that the commission may study the effects of regulations on those sales. These informational requirements shall remain in effect until the information is received. The trade or industry association may submit sales information in an aggregated form in a manner that allows the commission to carry out the purposes of the study. The commission





shall treat any sales information of an individual manufacturer as confidential and that information shall not be a public record. The commission shall not request any information that cannot be reasonably produced in the exercise of due diligence by the manufacturer. At least one year prior to the adoption or amendment of a standard for an appliance, the commission shall notify the Legislature of its intent, and the justification therefor, to adopt or amend a standard for the appliance. Notwithstanding paragraph (3) and this paragraph, the commission may do any of the following:

(A) Increase the minimum level of operating efficiency in an existing standard up to the level of the National Voluntary Consensus Standards 90, adopted by the American Society of Heating, Refrigeration, and Air Conditioning Engineers or, for appliances not covered by that standard, up to the level established in a similar nationwide consensus standard.

(B) Change the measure or rating of efficiency of any standard, if the minimum level of operating efficiency remains substantially the same.

(C) Adjust the minimum level of operating efficiency in an existing standard in order to reflect changes in test procedures that the standards require manufacturers to use in certifying compliance, if the minimum level of operating efficiency remains substantially the same.

(D) Readopt a standard preempted, enjoined, or otherwise found legally defective by an administrative agency or a lower court, if final legal action determines that the standard is valid and if the standard that is readopted is not more stringent than the standard that was found to be defective or preempted.

(E) Adopt or amend any existing or new standard at any level of operating efficiency, if the Governor has declared an energy emergency pursuant to Section 8558 of the Government Code.

(5) Notwithstanding paragraph (4), the commission may adopt standards pursuant to commission order No. 84-0111-1, on or before June 30, 1985.

(d) Recommend minimum standards of efficiency for the operation of any new facility at a particular site that are technically and economically feasible. No site and related facility shall be certified pursuant to Chapter 6 (commencing with Section 25500), unless the applicant certifies that standards recommended by the commission have been considered, which certification shall include a statement specifying the extent to which conformance with the recommended standards will be achieved.

Whenever this section and Chapter 11.5 (commencing with Section 19878) of Part 3 of Division 13 of the Health and Safety Code are in conflict, the commission shall be governed by that chapter of the Health and Safety Code to the extent of the conflict.



(e) The commission shall do all of the following:

(1) Not later than January 1, 2004, amend any regulations in effect on January 1, 2003, pertaining to the energy efficiency standards for residential clothes washers to require that residential clothes washers manufactured on or after January 1, 2007, be at least as water efficient as commercial clothes washers.

(2) Not later than April 1, 2004, petition the federal Department of Energy for an exemption from any relevant federal regulations governing energy efficiency standards that are applicable to residential clothes washers.

(3) Not later than January 1, 2005, report to the Legislature on its progress with respect to the requirements of paragraphs (1) and (2).



## **Assembly Bill No. 1008**

### **CHAPTER 723**

An act to amend Sections 17998.1 and 17998.2 of the Health and Safety Code, and to amend Sections 3351 and 3371 of the Revenue and Taxation Code, relating to property.

[Approved by Governor September 20, 2002. Filed  
with Secretary of State September 20, 2002.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1008, Lowenthal. Housing assistance: property tax notices.

(1) Existing law establishes the Code Enforcement Incentive Program pursuant to which the Department of Housing and Community Development, upon appropriation by the Legislature, is required to make funds available as matching grants to cities, counties, and cities and counties through December 31, 2003, to increase staffing dedicated to local building code enforcement efforts.

This bill would also authorize these grant funds to be used for capital expenditures and require grants to be made to grantees that operate local building code enforcement programs for more than 3 years.

(2) Existing law also requires that grant recipients submit a report, on or before June 30, 2004, to their local legislative bodies and to the department regarding the results of the expanded code enforcement efforts, and requires the department to summarize the results and transmit the reports to the Legislature by December 31, 2004.

The bill would instead require grant recipients to submit the report to their local legislative bodies within 6 months after completion of each program cycle funded by the Legislature and require the department to transmit the reports within 6 months after the grant recipient's submission date.

(3) Existing law also establishes, until January 1, 2005, the Community Code Enforcement Pilot Program pursuant to which the Department of Housing and Community Development awards grants to communities that develop a code enforcement pilot program meeting specified criteria that would operate until December 31, 2003. Pilot program administrators are required to evaluate the pilot programs and report that information to the department by June 30, 2004, and the department is required to report to the Legislature by December 31, 2004.

This bill would delete the repeal date for the program. It would require grants to be made to programs that operate for more than 3 years.

The bill would permit grant funds to be used for capital expenditures. It would also require that each pilot project submit its evaluation within 6 months after completion of each program cycle approved by the department and funded by the Legislature.

(4) Existing law requires the tax collector to publish annually a notice of impending default for failure to pay taxes on real property and to publish annually the affidavit that real property on which taxes, assessments, penalties, and costs had not been fully paid are in default.

This bill would permit the tax collector to include in those notices only properties that have been tax delinquent for 3 or more years in specified cases.

The bill would, pursuant to legislative findings and declarations, permit the University of California to do a study of tax-delinquent properties and would require the Controller to provide the university with specified information relating to these properties upon receiving that information from the tax collector. By imposing new requirements upon tax collectors, this bill would impose a state-mandated local program.

The bill would revise and limit the requirement to notify assesseees of tax delinquent properties, and would express the intent of the Legislature in making this revision to offset costs incurred by the tax collector with regard to providing information, as required by this bill, for the study of the tax-delinquent properties.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 17998.1 of the Health and Safety Code is amended to read:

17998.1. The Department of Housing and Community Development, upon appropriation by the Legislature for this purpose, shall make funds available as matching grants to cities, counties, and cities and counties to increase staffing or capital expenditures dedicated to local building code enforcement efforts. The funds shall be subject to all of the following provisions:

(a) Grants shall be made to grantees that operate local building code enforcement programs for more than three years.



(b) The city, county, or city and county shall provide a cash or in-kind local match of at least 25 percent in the first year, at least 50 percent in the second year, and at least 75 percent in the third year.

(c) The maximum grant to a single recipient shall not exceed one million dollars (\$1,000,000). The department may establish minimum grant levels and lower maximum grant levels, depending on the amount and uses of funding sources.

(d) Funds may be used to supplement, but shall not supplant, existing local funding for code enforcement related to housing code maintenance. The applicants shall demonstrate an intent to ensure cooperative and effective working relationships between code enforcement officials and local prosecutorial agencies, the local health department, and local government housing rehabilitation financing agencies.

(e) Within six months after completion of each program cycle approved by the department and funded by the Legislature, grant recipients shall submit a report to their local legislative bodies and to the department regarding the results of the expanded housing maintenance code enforcement efforts and recommendations for changes in state or local laws and regulations related to code enforcement. The department shall summarize the results and transmit the reports to the Legislature within six months after the grant recipient's submission date. The department may require submission of interim progress reports.

(f) The department may use up to 5 percent of the funds appropriated by the Legislature for administering the programs authorized by this chapter.

(g) The department shall award the grants on a competitive basis with criteria to be established and specified in a "Notice of Funding Availability." The criteria shall be weighted for local government applicants with neighborhoods populated by high percentages of lower income households, with significant numbers of deteriorating housing stock containing reported or suspected housing code violations and often owned by absentee owners. The criteria shall also be weighted for applications that propose to identify and prosecute owners with habitual, repeated, multiple code violations that have remained unabated beyond the period required for abatement. In addition to those criteria, the department shall attempt to award grants to cities, counties, and cities and counties in order to obtain a wide range of population sizes and compositions and geographical distribution. Eligibility criteria, applications, awards, and other program requirements implementing this chapter shall not be subject to the requirements of Chapter 2.5 (commencing with Section 11340) of Part 1 of Title 2 of the Government Code.



SEC. 2. Section 17998.2 of the Health and Safety Code is amended to read:

17998.2. (a) It is the intent of the Legislature in the enactment of this section to do all of the following:

(1) Initiate a coordinated active community approach to code enforcement.

(2) Create a pilot program in which the department awards grants to communities that develop a code enforcement program pursuant to the criteria established by this section.

(3) Substantially reduce the incidence of substandard housing through the use of creative and coordinated techniques of code enforcement involving an interdepartmental approach at the local government level.

(b) The grant program established pursuant to this section shall be known as the Community Code Enforcement Pilot Program. The Department of Housing and Community Development shall administer the Community Code Enforcement Pilot Program.

(1) The department need not adopt regulations for the program. The department shall publish and distribute a Notice of Funding Availability that contains application forms and instructions, eligibility criteria, criteria for the rating and ranking of applications, outcome evaluation criteria, interim or final reporting requirements, and other information that the department considers necessary or useful for implementation of the program.

(2) The department shall review, rate, and rank applications based on its evaluation of the information provided pursuant to subdivision (e), and their projected program performance as measured by all of the following criteria, considering the size of the applicant community:

(A) The minimum number of housing units affordable to lower income households that will be rehabilitated or otherwise brought into compliance with applicable building and housing codes.

(B) The estimated amount of grants and low interest rehabilitation loan funds, from sources other than this program, that will be made available to the owners of housing units affordable to lower income households that are determined to need rehabilitation or repair pursuant to the program.

(C) The incidence of poverty and deteriorating housing or housing code violations in each target area.

(3) In addition to the other criteria in this subdivision, the department shall attempt to award community code enforcement pilot program grants to cities, counties, and cities and counties with a wide range of population sizes and compositions and geographical distribution.



(c) The department shall award community code enforcement pilot program grants for programs that shall operate for more than three years. The grants shall not exceed four hundred fifty thousand dollars (\$450,000), which shall pay for costs incurred over the life of the program. The department may establish minimum grant levels and lower maximum grant levels, depending on the amount and uses of funding sources.

(d) Each city, county, or city and county receiving a grant shall develop a code enforcement team consisting of a least one full-time code enforcement officer and a part-time city planner, health officer, or comparable specialist. Each grantee shall provide, and fund at its own expense, at least one city planner, health officer, or comparable specialist for the duration of the pilot program, for a minimum of 20 hours per week. The grant funds shall be used for the code enforcement officer and related program costs, which may include full-time or part-time personnel, in addition to the grantee's contributions, or for capital expenditures.

(e) Grant proposals shall include all of the following:

(1) Demonstration of serious, current housing code enforcement deficiencies within each target area, whether those code deficiencies are in violation of locally enacted ordinances or state codes.

(2) A plan to have high visibility of code enforcement staff and to create close and frequent communication and interaction with residents and property owners of the target area, including in the evenings and on weekends.

(3) A plan to convene community meetings to inform residents of the pilot program.

(4) A plan to conduct ongoing frequent informal and formal community meetings with the code enforcement team and residents of the community involved in the pilot program.

(5) A plan demonstrating an intent to ensure cooperative and effective working relationships between code enforcement officials, local health department officials, local prosecutorial agencies, and officials operating local programs providing public funds to finance affordable rental housing rehabilitation and repairs.

(6) A plan for timely and effective administrative and judicial enforcement of code violations.

(f) The administrator of each grantee's pilot program shall evaluate the pilot program and report the findings and other criteria requested by the department indicating the effectiveness of the pilot program to the department within six months after completion of each program cycle approved by the department and funded by the Legislature. The department may require submission of interim progress reports. The



administrator shall evaluate the pilot program based on criteria including, but not limited to, the following:

(1) Results of a participant survey, including owners, residents, and active community leaders.

(2) Comparison of each targeted area with similar neighborhoods with respect to repeat calls for service and other criteria testing the effectiveness of the pilot program.

(3) The extent of any perceived or actual property value change between the commencement and the completion of the pilot program.

(4) The number of cases opened and the number of cases closed, identifying the nature of code violations, the necessity of formal proceedings, the cost and nature of abatement violations, or other factors influencing the effectiveness of the pilot program.

(g) The department shall review and report to the Legislature within six months after the grant recipient's submission date on the findings of the pilot program administrators.

SEC. 3. Section 3351 of the Revenue and Taxation Code is amended to read:

3351. (a) Annually, on or before June 8, the tax collector shall publish a notice of impending default for failure to pay taxes on real property, except tax-defaulted property and possessory interests, the taxes, assessments, penalties, and costs on which will have not been fully paid by the close of business on the last business day of the fiscal year.

(b) If the tax collector sends reminder notices prior to the close of the fiscal year and annually sends a redemption notice of prior year due taxes, the notice required by subdivision (a) shall only include properties that have been tax-delinquent for three or more years and for which the latest reminder notice or redemption notice was returned to the tax collector as undeliverable.

SEC. 4. Section 3371 of the Revenue and Taxation Code is amended to read:

3371. (a) Annually, on or before September 8, the tax collector shall publish the affidavit that the real property on which the taxes, assessments, penalties, and costs had not been fully paid are in default, together with a list of all that real property. However, in any county that mails delinquent notices to the assessee of record before June 30, the tax collector shall publish the affidavit and list of all that real property on or before September 8 of the year following the date of default.

(b) If the tax collector sends reminder notices prior to the close of the fiscal year and annually sends a redemption notice of prior year due taxes, the delinquent notice described in subdivision (a) may be mailed only for those properties that have been tax-delinquent for three or more





years and for which the latest reminder notice or redemption notice was returned to the tax collector as undeliverable.

SEC. 5. (a) The Legislature finds and declares each of the following:

(1) California is currently experiencing a severe shortage of affordable housing. According to the California Department of Housing and Community Development, currently about 2.4 million California households need some form of housing assistance, that is, those households are low-income and are overpaying for housing costs. According to the California Budget Project, statewide there are approximately 2.3 low-income renter households per affordable unit, or a shortage of 581,000 units.

(2) Given this shortage of affordable housing, the state cannot afford to lose units from the marketplace due to deterioration and condemnation for building code violations.

(3) Prevention of real property deterioration is a legitimate government interest, and funding for local programs that increase efforts to enforce building codes is an important tool in preventing affordable housing from being removed from the market.

(b) The Legislature further finds and declares that there may be a link between real properties that are delinquent in payment of property taxes and building code violations, and that this issue is worthy of study. It is therefore the intent of the Legislature, pursuant to Section 7 of this act, to make available to the University of California data, with respect to tax-delinquent properties, collected by local tax collectors and described in Section 7 of this act.

(c) The Legislature further finds and declares that there are costs incurred by local tax collectors in providing the information required for the study pursuant to Section 7 of this act, and that these costs may be offset by correspondingly eliminating unnecessary costs incurred by local tax collectors in fulfilling the notice requirements pursuant to Sections 3351 and 3371 of the Revenue and Taxation Code. Therefore, it is the intent of the Legislature, in amending Sections 3351 and 3371 of the Revenue and Taxation Code in this act, to offset the costs incurred by local tax collectors in providing the information required for the study pursuant to Section 7 of this act.

SEC. 6. (a) The University of California may need to obtain data in order, to the extent possible, to study the following:

(1) The breakdown of tax-delinquent properties by residential, commercial, and industrial properties.

(2) The breakdown of tax-delinquent properties by length of delinquency.



(3) The potential of tax-delinquent properties to provide affordable housing.

(b) In order to obtain the data necessary to perform this study, the University of California shall notify the Controller, in writing, that it is requesting the data required to be published pursuant to Chapter 1 (commencing with Section 3351) of Part 6 of Division 1 of the Revenue and Taxation Code.

(c) Within 14 days of receipt of the request for data from the University of California, the Controller shall request from county tax collectors for the most recently completed fiscal year and the current fiscal year the information requested pursuant to subdivision (b). The tax collectors shall provide the requested information for the most recently completed fiscal year within 14 days of receipt of the request and the information for the current fiscal year by the following September 15. The tax collectors shall transmit the requested information in electronic text format if possible. Data fields shall include, if possible, assessor's parcel number, situs address including ZIP Code, duration and amount of tax delinquency for each parcel, and associated zoning designations such as residential, commercial, or industrial. The Controller shall transmit that information to the University of California within 14 days of receipt of the information requested from the county tax collectors.

(d) The University of California may not sell, rent, or exchange information it obtains pursuant to this section.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act provides for offsetting savings to local agencies or school districts that result in no net costs to the local agencies or school districts, within the meaning of Section 17556 of the Government Code.

